



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 ANTICIPATORY BAIL APPLICATION NO. 479 OF 2024

- 1) Chandrasen Bapurao Munde
- 2) Shivaji Bapurao Munde (withdrawn) ...Applicants

versus

- 1) The State of Maharashtra
- 2) The District Superintendent of Police, Beed ...Respondents

...
Advocate for Applicant : Mr. S.S. Thombre
APP for Respondents: Mr. S.P. Sonpawale
Advocate to assist A.P.P. : Mr. P.A. Pisal

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CORAM : SHIVKUMAR DIGE, J.
DATED : 3rd JULY, 2024.

PER COURT :-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.2 Shivaji Bapurao Munde. Leave granted. The application is allowed to be withdrawn to the extent of applicant No.2 Shivaji Bapurao Munde.

2. In so far as the application to the extent of applicant No.1 Chandrasen Bapurao Munde is concerned, he apprehends arrest in connection with crime No.680 of 2023 registered with Kaij Police Station, district Beed, for the offences punishable under sections 141, 143, 144, 145, 147, 307, 148, 149, 504, 506 of the Indian Penal

Code.

3. It is the prosecution's case that on 20.11.2023 at about 8.40 a.m. the informant was in his home. At that time, he received a telephonic call of Arun Chate and told him that the applicant and co-accused had come alongwith sprinklers and pipe in the Gram Panchayat office and asked the informant alongwith all his family members to come to Gram Panchayat office. Therefore, the informant, his son and other family members went to Gram Panchayat office. At that time, they saw the applicant and co-accused persons in the Gram Panchayat Office. There Arun Chate said to the informant that the applicant and co-accused have made the accusation that the informant and his family members had cut the pipe of sprinklers. The informant replied that they did not cut the pipe. The applicant said that the informant alongwith others should come to the Tambeshwar Temple and swear upon that they did not cut the pipe. Accordingly, at about 9.00 a.m. they all went to Tambeshwar Temple. In the temple, the informant and others by placing their hands on the Nandi Idol sworn that they did not cut the pipe. At that time, co-accused Shivaji Munde said the informant that he had cut the pipes and taken false swear on the God and he would not leave them alive. Saying so, he by the means of sickle in his hand assaulted Dattatraya Munde on his head and tried to kill

Dattatraya. The applicant by means of sharp weapon in his hand assaulted on the head of Padmakar Munde. Ramkisan Munde tried to save Dattatraya and Padmakar. At that time, co-accused Sanjay Munde assaulted Padmakar by means of stone on his head. The informant and others went to rescue the injured. At that time, the applicant, co-accused Vinod and Rinku assaulted by pelting stones on them. They all abused and threatened them of dire consequences. Thereafter report was lodged against the applicant and co-accused.

4. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The injury certificate of the injured shows that the nature of injuries are simple. It was the dispute over the field. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

5. It is the contention of the learned APP assisted by Mr. Pisal, learned counsel, that the applicant had assaulted the witness Padmakar on his head with sharp weapon with intention to kill him. It is necessary to recover the sharp weapon used by the applicant. Yet the investigation is not completed. The custodial interrogation of the applicant is required. Hence he requested to reject the application.

6. I have heard all the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant is that he had assaulted the witness Padmakar on his head with sharp weapon. The injury certificate of witness Padmakar shows that a simple injury is caused to him. Considering the nature of injury caused to witness Padmakar, the custodial interrogation of the applicant is not required. Hence I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with crime No.680 of 2023 registered with Kaij Police Station, district Beed, for the offences punishable under sections 141, 143, 144, 145, 147, 307, 148, 149, 504, 506 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following condition :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)